S.B. CR.MISC.BAIL APPL.NO.7454/2007.
Hajari Lal and anr. Vs. State

Date of order : 2/11/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Ajay Singh for the petitioners.
Smt. Nirmala Sharma PP for the State.

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Heard learned counsel for the petitioners, learned Public Prosecutor for the State and perused the relevant documents placed before me.

Learned counsel for the petitioners has argued that the allegation against the accused-petitioner Hajarilal is of committing offence under Section 8/18 of the NDPS Act having possessed 1.200 Kgs. of Opium and against accused-petitioner Rodu Lal having possessed 600 gms. of Opium. It is argued that the psychotropic substance recovered from the petitioners is less than the commercial quantity which is 2.5 kgs. No previous criminal case was ever registered against the petitioners, the investigation is almost complete and further detention of the petitioners is no longer required for any purpose.

Learned Public Prosecutor has opposed the bail application and argued that in view of nature of allegations against the petitioners, they are not entitled to enlarged on bail during trial.

Without expressing any opinion on the merits of the case but taking into consideration the

aforesaid arguments and the fact that the psychotropic substance is less than the commercial quantity, I deem it appropriate to enlarge the petitioners on bail during trial.

In the result, this bail application u/S.439 Cr.P.C. is allowed and it is directed that petitioners Hajari Lal S/o Jagannath and Rodu Lal S/o Bhanwar Lal shall be released on bail in F.I.R. No.113/2007 P.S. Bhalta, District Jhalawar for offence under Section 8/18 of the NDPS Act subject to each of them furnishing a personal bond in the sum of Rs.30,000/- together with two sureties in the sum of Rs.15,000/- each to the satisfaction of the trial Court for their appearance before that court on all dates of hearing until conclusion of the trial.

In case, petitioners are found committing similar offence in future again, the bail granted to them by this Court, shall be liable to be cancelled on prosecution moving to the trial court for cancellation of their bail on this ground alone.

(MOHAMMAD RAFIQ), J.

anil/-